St Nicolaisen E-4, 5 (1951-1955) 1959
MS25 Tuareg MS25
Air

groups of Northern Tuareg and Arab tribes of the Sahara. Punishments for theft are said to have been very severe. A thief who had not stolen previously was put into jail in Agadez; if he stole again after his release one of his hands was cut off, while for a third theft the penalty was capital punishment said to be carried out at the market place of Agadez in a very cruel way:– pointed sticks were placed under the man's armpits, under his chin, and under the back of his head so that he would die when no longer capable of keeping standing. Punitive measures as imprisonment and capital punishment are no doubt foreign to traditional Tuareg law and were in all probability originally practised by the Sultan. As the drum-chief of the Kel Ferouan was in fact the true master of Air, including the city of Agadez, he may have made use of the prison as he may have imposed capital punishment on thieves. But proper theft is very rare among pastoral Tuareg.

Even vassal Tuareg say that the drum-chief could be very strict and severe with them in the past. But here it should be remembered that there were limits to his power as he could not refuse his subjects the right of blood-revenge. It should also be reiterated that the drum-chief was elected by his vassals, who could also dismiss him. And strictness or severeness with his vassals was not the drum-chief's normal way of conduct. Like other noble Tuareg he would not only associate with the vassals on intimate terms, but he would also joke with them. A joking relationship similar to that of cross-cousins and of brothers and sisters-in-law, including sham-fights and minor "thefts", existed between all noble Tuareg and all vassals of the Kel Ferouan group. They would joke with each other unless there were a great difference in age. But although joking was reciprocal it is said that the drum-chief could stop joking, in which case the vassals would "be afraid of him". I have already referred to the theory that the social function of joking between cross-cousins and in-laws seems to be the prevention of conflicts. The function of joking between people of different classes is similar, and this should be the more emphasized as this very explanation has frequently been given me by the Tuareg. "People who are different tease each other to prevent troubles", they say. For this very reason there was joking between noble Tuareg and vassals, but joking between members of these two different Tuareg classes did not occur unless they belonged to the same drum-group. Thus there would be no joking between vassals of the Kel Ferouan group and noble Tuareg of the Kel Fadei. In this latter case there would be avoidance or strict reserve.

It is said that marriages between noble Tuareg and vassals would not take place in the past. This is not entirely true, but they seem to have been rare. I think that one reason for this may be due to the fact that marriages between noble Tuareg and their vassals would tend to break down the structure of the political system. By such marriages the noble Tuareg, including the drum-chief, would acquire a great many relatives-in-law to whom the conduct would be avoidance or institutionally constant joking. For in addition to true in-laws there are numerous classificatory in-laws. Thus a man (or a woman) has all spouses of his brothers and sisters and

7:Nicolaisen E-5 (1951-1962) 1963 MS25 Tuareg MS25

643 and, when grazing is good, 2 goats and 8 kgs of butter annually to the *Amenukal* who rewards the man
651 bringing this payment with a gift of 11.5 metres of cotton. As to the *Kel Arefsa* sub-tribe its collective
614 payments are the same as those made by the *Isandan*. (2) The *Dag Rali* tribe pays *tiwsé* as follows: –
613 12 bags of millet (i.e., 3 bags from each of the four tribal sections) corresponding to 6 camel-loads,
565 are given to the chief of the *Dag Rali*. He sends 10 bags to the *Amenukal*, and keeps two for himself.
In case of good grazing the whole tribe gives 10 goats and 6 containers of butter to the *Amenukal*. –
All vassal tribes of the *Kel Rela* drum group make such annual payments to the *Amenukal*, and this
also applies to the *Isekkemaren* tribes. These payments, known as *tiwsé*, are in fact tokens of vassalage,
[634] and are never made by noble Tuareg. The payments should properly belong to the *Amenukal* as
drum-chief of the *Kel Rela*, while vassal tribes of other drum-groups should make their payments to
their particular drum-chiefs.

643 The *Amenukal* had other rights over his subjects. He had the right to summon the vassals of his
634 drum-group to war and large-scale raiding, and he had the right to half of all war booty taken by his
565 vassals. This right was known as *abellag*, and the vassals of other drum-groups paid similar dues to
their particular drum-chiefs. Furthermore, we have seen that the *Amenukal* as the leader of the *Kel*
Rela drum-group could inherit livestock from such deceased subjects as had no living patrilineal
[644] kinsmen, though he would make no use of livestock thus inherited. The animals would remain in
the tribe to which the deseased person belonged under the supervision of the tribal chief (cf. p. 138).
As a drum-chief the *Amenukal* also had the right to the riding camel of any deceased vassal chief
[614] within his drum-group. This is also the case nowadays, but it should here be mentioned that the chief
of the very important vassal tribe, the *Dag Rali*, has the right to one of the *Amenukal*'s riding camels
on the latter's death.

643 As the supreme judge of his drum-group the *Amenukal* could claim various indemnities (*ekkiyet*)
634 among which have been mentioned those paid for violation of the rights of his land-tenants (p. 151).
681 Even to-day the *Amenukal* can claim these and many other indemnities. In case of adultery, for instance,
[684] he can claim three camels from the seducer and one camel from the unfaithful wife. If a man catches
his wife committing adultery he has the right to kill her and the seducer on the spot, and formerly
[682] the families of persons thus killed had no right to revenge or blood-wealth. Neither was blood-wealth
[614] paid in case of murder within the tribe, but the *Amenukal* might then claim an indemnity from the
murderer. Wher. the murderer and the person killed came from different tribes, blood-wealth had
to be paid to the family of the slain man by the murderer's kinsmen. The *Amenukal* could not deny
his subjects the right of revenge if they refused to accept blood-wealth, and if blood-wealth was paid
he had no right to any part from it. Blood-wealth was fixed at one hundred she-camels for a slain
man and fifty she-camels for a woman, but it may be doubted whether so many camels were ever paid.
[683] For bodily harm of various kinds there were other indemnities to be paid in camels (cf. p. 102), and
[178] such indemnities are perhaps made even nowadays, but blood-wealth and revenge have been abolished
[648] by the French, who have in many ways given the *Amenukal* more power over his subjects than he
had in the past.

178 To-day the authority of the *Amenukal* is almost unlimited. If, for instance, a man will not allow
643 his son to marry the woman he likes, the son may go to the *Amenukal* and ask him whether he

7:Nicolaisen E-5 (1951-1962) 1963 MS25 Tuareg MS25

together at the French administration post of Agadez, there were two candidates for the office, namely *Bukha* and *Khejji*. Present at the election were the French *Commandant de Cercle*, the Sultan, and other important chiefs. The Sultan requested all men to elect *Bukha* (because *Khejji*'s father *Agg-Elkhir* had scoffed at the Sultan and publicly had called him a slave). Therefore, when the *Commandant* asked the *Kel Ferwan* men to divide into two groups according to whether they wished *Bukha* or *Khejji*, the group of men voting for *Khejji* numbered only four or five men. *Bukha* was thus elected and the Sultan presented him with a large head-cloth and declared him the new *Kel Ferwan* drum-chief.

From what has been said above about the *Kel Ferwan* drum-chiefs it is evident that the drum-chief was elected by the vassals who constitute the majority of the group. But it is very doubtful whether in the past it was normal for a Sultan to advise the vassals to elect a particular Tuareg for drum-chief. For though the drum-chief should then also be installed and recognized by the Sultan, the latter was not strong enough to meddle in the affairs of the drum-group. There are even some noble *Kel Ferwan* Tuareg who claim that in the past the drum-chief should be installed not by the Sultan, but by a vassal Tuareg of the drum-group, who appointing the chief would wrap a new veil or a turban around his head. But most vassals hold that the drum-chief should be installed in this way by the Sultan, and that in the past, when dissatisfied with a drum-chief, they would ask permission of the Sultan to dismiss him.

In all internal matters the drum-chief and not the Sultan was the supreme judge, but it seems as if the chief of the *Kel Azel* who was installed by the drum-chief had almost similar judicial rights over his particular vassals. However, any case occurring within the whole *Kel Ferwan* group could be brought before the drum-chief, who in difficult cases would consult Islamic jurists of Agadez, or the *Echchikhen*. Punishments for thefts are said to have been very severe. A thief who had not stolen previously was put into jail (*takormut*) in Agadez; if he stole again after his release one of his hands was cut off, while for a third theft the penalty was capital punishment said to be carried out at the market place of Agadez in a very cruel way:— pointed sticks were placed under the man's armpits, under his chin, and under the back of his head so that he would die when no longer capable of remaining standing. A few old people remember that they have seen this method of punishment practised in Agadez. Punitive measures like imprisonment and capital punishment are no doubt foreign to traditional Tuareg law, and were in all probability originally practised by the Sultan. As the drum-chief of the *Kel Ferwan* was in fact the true master of Ayr, including the city of Agadez, he may have made use of the prison and may also have imposed capital punishment on thieves. Proper theft seems to have been very rare among pastoral Tuareg in the past, but to-day camel-thieves are extremely common in all groups. Some Tuareg say that in the past there were hardly any camel thieves who were hanged like dogs.

All members of the *Kel Ferwan* group could be fined by the drum-chief and indemnities (*édeyet*) were then given to the chief. In case of murder the killed person's kinsmen had the right to blood-revenge to which the drum-chief could make no objection. But if the family of the person killed consented, the drum-chief could take all livestock from the murderer and pass it over to the children of the slain man, whose kin in that case lost their right of revenge. Some Tuareg will claim that the